

**ORIGINAL**

**FILED**

August 16 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0175

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PENNY ANN NICHOLS,

Petitioner and Appellant,

v.

THE DEPARTMENT OF JUSTICE,  
DRIVERS LICENSE BUREAU,

Respondent and Appellee.

**FILED**

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STATE OF MONTANA

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**MOTION FOR EXTENSION OF TIME**

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The Appellee, State of Montana, respectfully requests an extension of time until September 30, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. The brief is presently due on August 16, 2010, and this is the State's first extension request.

This motion is made due to a pressing family matter, making it impossible to properly research, consider, and brief the issues raised by the Appellant within the time allotted.

Opposing counsel has been contacted concerning this motion and does not object.

Respectfully submitted this 16th day of August, 2010.

STEVE BULLOCK  
Montana Attorney General  
Justice Building  
P.O. Box 201401  
Helena, MT 59620-1401

By: Mark Mattioli / per  
MATT COCHENOUR  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing Motion for Extension of Time to be served by U.S. Mail upon:

Mr. Brett D. Schandelson  
Topp & Buley, P.C.  
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DATED: 8/16/10 Mark Mattioli